THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.27847 of 2005

Date:29.12.2005

Between:

T.Muralidhara Sarma

--------PETITIONER

A.P. Transco and another

---------RESPONDENTS

ORDER:

The petitioner is now working as a Divisional Engineer (power planning) in A.P. TRANSCO. He is due to retire at the end of February, 2006. According to him, he has the eligibility and seniority to be promoted to the post of Superintending Engineer (S.E.) and there exist adequate number of vacancies. He claims to have made a representation on 23.11.2005 to the second respondent stating that if he is to retire as Divisional Engineer, he would be put to great loss and hardship.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

It is settled principle of law that mere existence of vacancies, by itself, does not create any right to the incumbent, to seek appointment or promotion. Much would depend upon the administrative exigencies and the need felt by the Department. The question as to whether there are adequate number of vacancies and whether there is necessity for the respondents to make promotions to the post of S.E. needs to be considered.

The grievance of the petitioner cannot be said to be without any basis. If he is otherwise entitled to be promoted as S.E., and he is not extended the benefit before he retires, it would, certainly, have an impact upon his status, as well as financial

benefits.

For the foregoing reasons, the writ petition is disposed of, directing the second respondent to take the representation, dated 23.11.2005, submitted by the petitioner into account and intimate the result thereof, to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs.

_____

29.12.2005

kdl